

Before the  
FEDERAL COMMUNICATIONS COMMISSION  
Washington, DC 20554

In the Matter of Petition of AT&T Inc.	§	
for Forbearance Under 47 U.S.C. §	§	
160(c) from Enforcement of Certain of	§	WC Docket No. 07-139
the Commission's ARMIS reporting	§	
Requirements		

**COMMENTS OF THE PUBLIC UTILITY COMMISSION OF TEXAS**

The Public Utility Commission of Texas (TPUC), having regulatory authority over public utilities within Texas, respectfully submits these comments in response to the Public Notice issued by the Federal Communications Commission (Commission) in the above-captioned proceeding.<sup>1</sup> The Commission seeks comment on AT&T, Inc.'s, (AT&T's) petition filed June 8, 2007.<sup>2</sup> AT&T's petition requests forbearance under 47 U.S.C. § 160(c) from enforcement of certain Automated Reporting Management Information System (ARMIS) reporting requirements. Specifically, AT&T seeks forbearance for its

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<sup>1</sup> Pleading cycle established by the Commission for AT&T Inc. petition on behalf of its Incumbent LEC affiliates. *Petition of AT&T Inc. for Forbearance Under 47 U.S.C. § 160(c) from Enforcement of Certain of the Commission's ARMIS Reporting Requirements*, WC Docket No. 07-139 (filed June 8, 2007). The petition seeks relief for the following AT&T affiliates: Illinois Bell Telephone Company, Indiana Bell Telephone Company, Michigan Bell Telephone Company, The Ohio Bell Telephone Company, Pacific Bell Telephone Company, Nevada Bell Telephone Company, The Southern New England Telephone Company, Southwestern Bell Telephone, L.P., and Wisconsin Bell, Inc. The petition also seeks relief for SBC Advanced Solutions, Inc., Ameritech Advanced Data Services, Inc. of Illinois, Ameritech Advanced Data Services, Inc. of Indiana, Ameritech Advanced Data Services, Inc. of Michigan, Ameritech Advanced Data Services, Inc. of Ohio, Ameritech Advanced Data Services, Inc. of Wisconsin, and BellSouth Telecommunications, Inc. if the relief granted under *In Re: SBC Advanced Solutions, Inc. Petition for Waiver of the Commission's Accounting, Separations, Cost Allocation and Reporting Rules*, WCB/PPD No. 05-02, Order, 20 FCC Rcd 1915 (2005) expires without becoming permanent.

incumbent local exchange carrier (ILEC) affiliates from Commission rules requiring submission of ARMIS Reports 43-05 (Service Quality Report), 43-06 (Customer Satisfaction Report), 43-07 (Infrastructure Report), and 43-08 (Operating Data Report).

**I. ARMIS Report 43-05 (Service Quality Report)**

ARMIS Report 43-05, filed annually by ILECs, includes information on telecommunications service installation intervals, frequency of trouble reports, and average time to clear trouble reports for business and residential customers. AT&T argues that ARMIS Report 43-05 has outlived its purpose. Additionally, AT&T states that this report was adopted in 1990 out of an “abundance of caution” to address a purely “theoretical concern” that arose when price caps were adopted. AT&T states that the Commission’s most recent ARMIS Reports indicate that service quality is rapidly improving. Per AT&T ARMIS Report 43-05 has never been necessary; and, was not designed to ensure just, reasonable and nondiscriminatory rates. Further, AT&T opines that service outage information may be found in the Commission’s outage reports making ARMIS Report 43-05 unnecessary. Last, AT&T contends that forbearance of these ARMIS reports under 47 U.S.C. §160(a)(3). is in the public interest.

ARMIS Report 43-05 allows states to ensure that ILECs continue to provide high quality of service. The TPUC uses the information from this report to compare the level of service quality delivered in Texas to that of other states.

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<sup>2</sup> Interested parties are to file comments by August 20, 2007 and reply comments by September 19, 2007.

These objective comparisons are useful in revising the statewide telecommunications standards and policies contained in the TPUC's Substantive Rule 26.54. Without periodic data reporting, the states will not be able to monitor and enforce their quality of service standards.<sup>3</sup> The minimum service quality standards should apply to all carriers that receive Federal Universal Service Funds. Moreover, the Commission's outage reports only capture the duration of outages. The outage reports do not provide information on installation intervals or frequency of trouble report rates. Accordingly, the Commission should continue ARMIS Report 43-05.

## **II ARMIS Report 43-06 (Customer Satisfaction Report)**

The TPUC does not use information contained in ARMIS Report 43-06; therefore, it has no comments on this report.

## **III. ARMIS Report 43-07 (Infrastructure Report)**

ARMIS Report 43-07 contains information on the quantities of outside plant and switching facilities deployed by ILECs. AT&T argues that the Commission should forbear requiring this report because this report was created to assist the Commission in a regulatory mission no longer needed given the experience with price cap regulation and increased competition. AT&T urges the Commission to move forward with AT&T's proposal to require reporting of network infrastructure information relevant to current Commission policies on a comprehensive basis from all facilities-based carriers in FCC Form 477. AT&T

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<sup>3</sup> In the Matter of Policy and Rules Concerning Rates for Dominant Carriers and Amendment of Part 61 of the Commission's Rules to Require Quality of Service Standards in Local Exchange

argues that Form 477 reporting would provide a more accurate assessment of its network infrastructure and competition. AT&T states that ARMIS Report 43-07 is unnecessary to ensure reasonable and nondiscriminatory rates or to protect consumers. It argues that competition will ensure that carriers offer new, innovative, pro-consumer services at reasonable rates set by market forces.

ARMIS Report 43-07 is an information resource beneficial in formulating forward-looking infrastructure related policies. It is not used to set rates. Requiring ILECs to report infrastructure deployment data is important to evaluate the effects of competition. FCC Form 477 report would provide information on the availability of broadband services, but it does not provide infrastructure information. The state commissions require this information to evaluate competition and formulate policies concerning the deployment of broadband services. The Commission should continue the ARMIS Report 43-07 with certain modifications. The Commission should remove the requirements to report on outdated technologies, such as electro-mechanical switches, and add reporting for voice over Internet protocol (VoIP)-based switches and video services. FCC Form 477 does not include sufficient information on the type of infrastructure deployed by dominant carriers. This information is necessary to assist in formulating infrastructure policy concerning future deployment of services that require greater bandwidth than what is currently envisioned. For these reasons, the Commission should continue to require ARMIS Report 43-07 with the recommended modifications.

#### **IV. ARMIS Report 43-08 (Operations Data Report)**

ARMIS Report 43-08 includes information on call volumes and billed access minutes for interLATA and intraLATA toll calls. AT&T argues that the Commission should forbear from requiring this report because this report was created to assist the Commission in a regulatory mission that is no longer needed given the experience with price cap regulation and increased competition.

ARMIS Report 43-08 provides inputs into the Texas Universal Service Fund (TUSF) cost models. The TPUC has a pending proceeding to determine the appropriate costing for the TUSF, and will establish a proceeding in the near future to evaluate the adequacy of TUSF funding. Without the information contained in the Commission's ARMIS Report 43-08, the TPUC will be disadvantaged in setting the input parameters for the selected USF cost models. Moreover, such information may be used in its future proceedings. Therefore, the TPUC urges the Commission to continue the reporting requirement for ARMIS Report 43-08

#### **V. Conclusion**

ARMIS Reports 43-05 (Service Quality Report), 43-07 (Infrastructure Report) and 43-08 (Operations Data Report) provide state commissions with consistent and valuable information essential to monitor, evaluate, enforce and revise policies for competition, service quality, infrastructure, telephone company operations and universal service support. Accordingly, such reports

should be continued. Additionally, ARMIS Report 43-07 should be modified to delete information on outdated technologies and add information for VoIP-based technologies and video services.

Respectfully submitted,

Public Utility Commission of Texas  
1701 N. Congress Avenue  
Austin, Texas 78711-3326

August 16, 2007

\_\_\_\_\_/s/\_\_\_\_\_  
Julie Parsley  
Commissioner

\_\_\_\_\_/s/\_\_\_\_\_  
Paul Hudson  
Chairman

\_\_\_\_\_/s/\_\_\_\_\_  
Barry T. Smitherman  
Commissioner